

**ONEIDA COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES SUMMARY
JUNE 27, 2024
COMMITTEE ROOM #2 9:00 A.M. / COUNTY BOARD ROOM 1:00 P.M.
2ND FLOOR ONEIDA COUNTY COURTHOUSE**

Members Present: Harland Lee, Guy Hansen, Norris Ross, Mike Padzernik, Jeff Viegut, Dan Chronister

Members Absent: Jeff Viegut

County Staff Present: Karl Jennrich, Assistant Director; Erica Sauer, Program Assistant;

Guests Present: Outside Council Attorney Andrew Smith, Attorney Rodney Carter, Attorney Timothy Johnson, See Also Sign in Sheet.

Chair Lee called the meeting to order at 9:00 a.m. in accordance with the Wisconsin Open Meeting Law.

Wisconsin Open Meeting Law statement.

Roll call of members.

Mr. Hansen, “here;” Mr. Ross, “here;” Mr. Pazdernik, “here;” Mr. Chronister, “here;” and Mr. Lee, “here;” Mr. Viegut is absent.

Approve the agenda.

Motion by Mr. Ross, second by Mr. Hansen, to approve the agenda. With all members present voting “Aye,” the motion carried.

Approve meeting minutes summary of June 6, 2024. Motion by Mr. Hansen, second by Mr. Ross, to approve the meeting summary of June 6, 2024. With all members present voting “Aye,” the motion carried.

Old Business:

- a. **Consider status of previous cases.** Mr. Jennrich informed the board that Eagle Cove Camp and Conference Center Supreme Court Case was denied. Eagle Cove has a 90 day deadline to file with the US Supreme Court.
- b. **Update on zoning statutes and ordinance amendments.**

Current Business:

- a. **Approve any available bills. None**
- b. **Consider current and pending appeals to BOA.**
- c. **Review/revise meeting/hearing calendar.** Mr. Lee advised that the July 25, 2024 Public Hearing may need to be moved to August 1, 2024 depending on the Public Hearing outcome for today.
 - July 11, 2024 Appeal 24-006
 - July 18, 2024 Appeal 24-005
 - July 25, 2024 Appeal 24-004

9:15 a.m. Recess for onsite inspection. The Board will travel together to the inspection site at the following described vacant properties: The NE-SE, SE-SE, Government Lot 4, Section 29, and the NE-NE, Section 32, T37N, R6E, PINs CA 483, CA 448, CA 445, CA 436, Town of Cassian, Oneida County, Wisconsin, to conduct an onsite inspection at approximately 10:00 a.m., followed by lunch together at a place to be determined. No business will be discussed while traveling or at lunch.

1:00 p.m. – Hold a Public Hearing on the following appeal:

Appeal No. 24-003 of Great Lakes Inter-Tribal Council INC appealing Conditional Use Permit #2400032 for the following described vacant properties: The NE SE, SE SE, Government Lot 4, Section 29, and the NENE, Section 32, T37N, R6E, PINs CA-483, CA-448, CA-445, CA-436, Town of Cassian.

Roll call of members.

Mr. Hansen, “here;” Mr. Ross, “here;” Mr. Pazdernik, “here;” Mr. Chronister, “here;” and Mr. Lee, “here;” Mr. Viegut is absent.

Chair Lee stated that the meeting would be held in accordance with Wisconsin open meeting law, be tape-recorded. The Board of Adjustment asks that only one person speak at a time because of the difficulty in transcribing when several people are talking at once. The Board of Adjustment consists of five regular members and two alternates. Anyone wishing to testify must identify themselves by name, address, and interest in the appeal.

An onsite inspection was conducted at approximately 10:00 a.m. on June 27, 2024, at the following described vacant properties: The NE SE, SE SE, Government Lot 4, Section 29, and the NE NE, Section 32, T37N, R6E, PINs CA-483, CA-448, CA-445, CA-436, Town of Cassian, Oneida County, Wisconsin. Board members were present at the onsite inspection along with Karl Jennrich of the Planning and Zoning Department, Patty Francour, Frank Kowalkowski, David Priegnitz, Josh Hartwig, John Schoub, Tracy Schmidt, Bryan Bainbridge, Therese Safford, Rodney Carter, Dimitri Zografis, Shawn Steines, Robert Schwabe.

Observations by the Board: The property boundaries were adequately marked, the road and right-of-ways were adequately marked; potential location of sanitary facilities were adequately marked; outline of the proposed construction sites were adequately marked. Noted that there were three (3) wells drilled and capped already on property. The topography and condition of the land surface was pretty natural and the potential building site was cleared. Everything was well marked and locations well explained to the group. Other observations were that the site was very wild and natural looking area and a very large piece of property.

Mr. Lee stated the procedure for the hearing would be testimony from the Appellant(s), then the County, any public comment, back to the Appellant(s), County, back to the Appellant for final comment, and then closing the meeting from any further testimony. The Board will then deliberate. If they have any questions, they will ask them and ask that they only address that question. All may stay for the deliberation, as this is a public hearing.

Attorney Rodney Carter, representing Great Lakes Inter-Tribal Council (GLITC), began his testimony by stating the decision made by Oneida County Planning and Development Committee to deny Great Lakes Inter-Tribal Council Inc. their Conditional Use Permit (CUP) was very narrow in its scope. He further expressed that he feels GLITC has fully supplied all information and documents that were asked for by the Planning and Development Committee. Mr. Carter referred to Wisconsin Act 67 as well as

Oneida County Zoning and Shoreland Protection Ordinance (OCZSPO). He discussed his stance on the decision that was made to deny the permit and what conditions were not being met while offering to discuss and explain their evidence for each condition listed on the CUP, stating that he feels all conditions are being met according to Wisconsin Act 67 and the OCZSPO. He further stated that even though all parties have the full record at this point, there is not a written decision from the Planning and Development Committee expressing exactly why the permit was denied.

Chair Lee spoke. Questioned Attorney Carter and Bryan Bainbridge, CEO of GLITC, regarding the property selection in Cassian.

Mr. Bainbridge spoke to the property selection process and property criteria attributes to host a healing facility.

Chair Lee questioned the property selection not being tribal land.

Mr. Bainbridge spoke to tribal land vs. privately owned land. Further discussing that the healing facility is a joint effort among the tribes belonging to the Inter-Tribal Council. Not being on tribal land, diminishes the sense of one tribe having individual ownership and to try to be as centrally located as possible.

Chair Lee questioned GLITC regarding staffing and long term plan of facility.

Mr. Bainbridge spoke to long term staffing plan and State Licensing Requirements.

Chair Lee opened to the Board for questions.

Mr. Padzernik questioned GLITC about property taxes.

Mr. Hansen spoke questioned property taxes due to being a 501c3.

Attorney Carter stated GLITC stipulated in the records as long as GLITC owned the property, it could be added as a condition to have properties taxed.

Attorney Smith asked questions pertaining to taxes, staffing, and sustainability.

Attorney Carter answered, spoke to being a Wisconsin Corporation (501c3) and staffing.

Mr. Bainbridge answered, spoke to sovereignty and staffing plan.

Attorney Timothy Johnson, representing Oneida County, began his testimony by stating his opinion on the decision made by Oneida County Planning and Developments Committee to deny GLITC their CUP and the evidence submitted for the nine (9) conditions outlined within the CUP stating he felt GLITC did not submit substantial evidence. He further offered discussing each individual condition if the board so chose to.

Chair Lee spoke regarding briefs submitted by legal counsel, indicating that the briefs submitted essentially boiled down to one party accusing the other of not supplying sufficient evidence to support their position and the other party accusing the other of giving no specifics on what they thought was missing or reasons for denial.

Chair Lee opened to the Board for questions

Mr. Padzernik spoke, asking for clarification on taxes and moving property to a Trust

Mr. Bainbridge spoke, clarifying taxes, sovereignty, and length of time to move to a Trust.

Chair Lee spoke, stating satisfaction on answers given regarding to taxes and sovereignty in the records submitted.

Attorney Smith spoke to the nine (9) conditions outlined with in the CUP requesting Counsel to state their legal opinions.

Chair Lee opened the floor for dialogue between Attorney Johnson and Attorney Carter regarding the nine (9) conditions (listed below) of the CUP.

- a. *The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.*
- b. *The uses, values and enjoyment of neighboring property shall not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.*
- c. *The proposed conditional use is compatible with the use of adjacent land and any adopted local plans for the area.*
- d. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
- e. *Adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.*
- f. *Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.*
- g. *The conditional use shall conform to all applicable regulations of the district in which it is located.*
- h. *The conditional use does not violate shoreland or floodplain regulations governing the site.*
- i. *Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.*

Open dialogue was had between Legal Counsel each stating their facts to each condition.

Chair Lee called for a ten (10) minute recess at 2:32 p.m.

Chair Lee reopened the public hearing at 2:45 p.m.

Continued dialogue on nine (9) conditions.

Chair Lee opened the floor for public comment.

Patty Francoeur, Town of Cassian Chair, spoke. Submitted into record a petition signed by town residents to stop the construction of the GLITC Healing Center.

Attorney Frank Kowalkowski, Attorney representing Town of Cassian, spoke.

Jim Turnbull (resident of Cassian) spoke asking questions about utilities and road work.

John Schaab, Town of Cassian Supervisor, spoke to Town of Cassian ordinance and driveway permitting stating that GLITC has not applied for one to date.

Since there were no other public members wishing to speak, Chair Lee closed the floor to further public comment.

The Board had discussion.

Chair Lee asked for closing comments from representing Attorneys.

Attorney Carter spoke, stating reference to comments from the public about conditions raised concerning driveway permit, deed restrictions, partial sovereignty waiver, taxes, and utilities.

Attorney Johnson spoke.

Chair Lee closed the hearing to further testimony in order for the board to deliberate and arrive at a decision.

The Board had discussion regarding amount of time for review and the large volume of information previously provided from the Planning and Development Committee record to make a sound decision on the appeal. The Board expressed they would feel more comfortable coming to a decision by being allowed an additional meeting. The decision was made that the Board would like more time to review information and conditions.

Attorney Smith spoke to Board giving legal advice how to proceed with decision.

Decision was made by Chair Lee and Board, based off recommendation from Attorney Smith, directing the Board to completely review all documents provided and information given today. He further requested that the Board compile their comments and recommendations of conditions and submit them by July 8th. Chair Lee to schedule next meeting for GLITC to be on Thursday, July 25, 2024 at 1:00 pm.

3:58 p.m. Chair Lee adjourned the meeting.



Guy Hansen, Chair



Jeff Viegut, Secretary